



KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
DIVISION OF ENVIRONMENT
BUREAU OF WATER

KANSAS PUBLIC WATER SUPPLY LOAN FUND
DISADVANTAGED BUSINESS ENTERPRISE
INFORMATION SHEET

The administrative provisions of the Federal Fiscal Year 1991 Appropriations Act require the State Revolving Fund programs make a minimum 8% "Fair Share" of Federal Funds available to "Disadvantaged Business Enterprise" (DBE) firms. By acceptance of the Federal Fiscal Year 1991 and all subsequent Capitalization Grants, the Kansas Department of Health and Environment (KDHE) must comply with Special Conditions of these awards regarding "Disadvantaged Business Enterprise" Utilization. KDHE agrees to insure to the fullest extent possible that federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organization owned or controlled by socially or economically disadvantaged individuals, women, and historically black colleges and universities. This DBE Utilization requirement will apply to all future capitalization grants, therefore these DBE Utilization requirements will now apply to all Kansas Public Water Supply Loan Fund (KPWSLF) projects. This information sheet explains requirements of the KPWSLF for DEB utilization. A copy of this Information Sheet must be included within engineering contracts for construction services and within the contract documents of construction specifications.

A Disadvantaged Business Enterprise is defined as a business concern owned or controlled by socially disadvantaged and economically disadvantaged individuals. The socially disadvantaged individual must have a minimum of 51 percent ownership, control, and active daily measurement of the business concern to meet this criteria.

Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities, and are further defined as:

Black Americans
 Hispanic Americans
 Native Americans
 Indian Tribes

Asian Pacific Americans
 Native Hawaiian Organizations
 Women
 Historically Black Colleges and Universities

Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital or credit opportunities, as compared to others in the same business area who are not socially disadvantaged. In determining the degree of diminished credit and capital opportunities, the U.S. Small Business Administration (SBA) shall consider, but not be limited to, the assets and net worth of such socially disadvantaged individuals.

The DBE program is a self-certification program, and so an SBA “determination” is not required, but can be obtained. Any questions regarding the economically disadvantaged aspect of this DBE program can be directed to:

U.S. Small Business Administration
Minority Enterprise Development Division
Wichita District Office Kansas City District Office
316/269-6566 816/374-6815

Several lists of MBE/WBE firms and/or DBE firms are available:

The Kansas Department of Transportation Directory of Disadvantaged Business Enterprise (DBE) and the Kansas Department of Commerce & Housing Minority & Women Owned Business Directory are available through the following web sites:

<http://www.ksdot.org/burProgProjMgmt/DBEDirectory/dbedir.aspx> and
http://kdoch.state.ks.us/public/tools/databases/mwbusiness/mb_search.jsp

A current listing of small or small disadvantaged business concerns within the four state regional area (Kansas, Missouri, Iowa and Nebraska) is available by contacting either Mr. Marlin Francksen, Supervisor, Government Contracting, Mr. David Turner, Commercial Market Representative or Ms. Christine Sadri, Government Contracting Assistant with the Small Business Administration Office at 816/374-6815. The Small Business Administration Office for the four state area is located at 323 West 8th, Suite 501, Kansas City, Missouri 64105. As previously indicated, an existing company may self-certify as a Disadvantaged Business Enterprise with the SBA. The Small Business Administration encourages the individual municipality, consulting engineer, and/or construction contractor to contact them directly to discuss the individual project and the opportunity for small and small Disadvantaged Business Enterprise firms utilization. The SBA manages the Pronet System (www.SBA.Gov) which provides information by geographical area, trade, profession, and type of ownership. This listing includes only “small” business, as defined by SBA.

Listings of DBE firms are also available from the Minority Business Development Agencies (MBDA) and Centers of the U.S. Department of Commerce. The MBDA manages the PROFILE computer data file, designed to match minority firms with construction, manufacturing, service, and research contract opportunities. Information is available by contacting Mr. David Vega, MBDA Regional Director, 55 E. Monroe Street, Suite 1406, Chicago, Illinois 80603, at 312/353-0182.

Historically Black Colleges and Universities (HBCU) are identified by the Department of Education listing of minority colleges and universities.

This information is intended as a resource reference only and not intended to restrict or limit contact with other disadvantaged business.

Engineering firms and construction contractors must report utilization of Disadvantaged Business Enterprises, and must provide documentation of all efforts to obtain and utilize these business concerns on the Minority and Women's Disadvantaged Business Enterprise Utilization Worksheet (Appendix E-4), to the municipality for review and acceptance. The municipality is required to submit a copy of this information to KDHE as well as submit the Applicant Assurance with Respect to Affirmative Steps for MBE/WBE DBE Utilization (Appendix E-5), and the MBE/WBE Utilization under Federal Grants, Cooperative Agreements, and Interagency Agreements, EPA Form 5700-52A (Appendix E-6). The information reported utilizing these forms must be expanded to present the Socially Disadvantaged aspect of the business concern, for example Black American, Women-Owned, HCBU, etc., rather than only MBE or WBE.

The Municipality is required to maintain copies of the Kansas Department of Transportation Directory of Disadvantaged Business Enterprises (DBE), the Kansas Department of Commerce & Housing Minority and Women Owned Business Directory, the Listing of Minority Colleges and Universities, and other sources available at City Hall (and other appropriate locations) for access by consultants, contractors, and suppliers during the bidding and construction phases. Any questions regarding these documents should be directed to the Bureau of Water Administration Unit, at 785/296-4262 .

40 CFR Ch. I
31.36 Procurement.

- (e) Contracting with small and minority firms, women's business enterprise and labor surplus area firms.* (1) The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.
- (2) Affirmative steps shall include:
- (i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
 - (iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
 - (v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
 - (vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

Region VII Procurement for Implementation
of 40 CFR Part 31.36(e)
(Minority Business Enterprise/Women's Business Enterprise)*

(The following information must be contained in solicitation documents for construction contracts and engineering agreements pursuant to 40 CFR Part 31.36(e).)

Each bidder/offeror must fully comply with the requirements, terms, conditions of EPA's policy to award a fair share of subagreements to minority and women's businesses. The bidder/offeror commits itself to taking affirmative steps contained herein. Bidders/offerors will take affirmative steps prior to submission of bids/proposals.

Affirmative Steps

1. When feasible, segmenting total work requirements to permit maximum MBE/WBE participation.
2. Assuring that MBEs and WBEs are solicited whenever they are potential sources of goods or services. This step may include:
 - a. Sending letters or making other personal contacts with MBEs and WBEs (e.g. those whose names appear on lists prepared by EPA or the grantee and other MBE/WBEs known to the bidder/offeror). MBEs and WBEs should be contacted when other potential subcontractors are contacted, within reasonable time (fifteen days) prior to bid submission or closing date for receipt of initial offers. Those letters or other contacts should communicate the following:
 - i. Specific description of the work to be subcontracted;
 - ii. How and where to obtain a copy of plans and specifications or other detailed information needed to prepare a detailed price quotation;
 - iii. Date the quotation is due to the bidder/offeror;
 - iv. Name, address, and phone number of the person in the bidder/offeror's firm whom the prospective MBE/WBE subcontractor should contact for additional information.

- b. Sending letters or making other personal contacts with local, State, federal and private agencies and MBE/WBE associations relevant to the project. Such contacts should provide the same information provided in the direct contacts to MBE and WBE firms.
3. Where feasible, establishing delivery schedules which will encourage participation by MBEs and WBEs.

Determination of Compliance

It is to be noted that bidders/offerors must demonstrate compliance with MBE/WBE requirements in order to be deemed responsible. Demonstration of compliance shall include, but is not limited to, the following information:

1. Names, addresses and phone numbers of MBE/WBEs expected to perform work;
2. Work to be performed by the MBEs and WBEs;
3. Aggregate dollar amount of work to be performed by MBEs and WBEs, showing aggregate to MBEs and aggregate to WBEs separately;
4. Description of contracts to MBE and WBE organizations, agencies and associations which serve MBE/WBEs, including names of organizations, agencies and associations and dates of contacts;
5. Description of contacts to MBEs and WBEs, including number of contacts, fields, (i.e. equipment or material supplier, excavators, transport services, electrical subcontractors, plumbers, etc.) and dates of contacts.

All bidders/offerors should complete the Minority and Women's Business Enterprise Utilization Worksheet and submit to the grantee prior to contract award.

(Grantees may establish alternative methods of compliance equivalent to or more stringent than the above.)

KANSAS PUBLIC WATER SUPPLY LOAN FUND
MINORITY AND WOMEN'S DISADVANTAGED BUSINESS ENTERPRISE
UTILIZATION WORKSHEET

Loan Recipient _____
Project No. _____
Contractor/Engineer _____
Address _____
Contact Person: _____ Telephone No. _____
Amount of Contract _____ MBE Percentage _____ WBE Percentage _____

1. MBE _____ Subcontractor/Supplier _____
WBE _____ Address _____
Contact Person _____ Telephone No. _____
Amount of Subcontract _____
Scope of Work _____

2. MBE _____ Subcontractor/Supplier _____
WBE _____ Address _____
Contact Person _____ Telephone No. _____
Amount of Subcontract _____
Scope of Work _____

3. MBE _____ Subcontractor/Supplier _____
WBE _____ Address _____
Contact Person _____ Telephone No. _____
Amount of Subcontract _____
Scope of Work _____

4. MBE _____ Subcontractor/Supplier _____
WBE _____ Address _____
Contact Person _____ Telephone No. _____
Amount of Subcontract _____
Scope of Work _____

5. MBE _____ Subcontractor/Supplier _____
WBE _____ Address _____
Contact Person _____ Telephone No. _____
Amount of Subcontract _____
Scope of Work _____

Comments

Prepared by _____ Telephone No. _____ Date _____

(Use additional copies of this sheet if needed)